

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

MARK WILLIAM COLLINS,

Petitioner,

vs.

JAMES SALMONSEN; AUSTIN  
KNUDSEN,

Respondents.

Cause No. CV 22-35-BU-BMM

ORDER

This case comes before the Court on Petitioner Collins' application for writ of habeas corpus. Collins is a state prisoner proceeding pro se.

The Court has received multiple filings of similar appearance and is concerned that someone who is not a lawyer is filing documents on behalf of others without their knowledge or agreement. On May 19, 2022, United States Magistrate Judge John Johnston ordered Collins to resubmit his petition and supplement, each with a notarized signature. He also ordered Collins to pay the \$5.00 filing fee. The clerk served a copy of the petition and supplement on Collins for his use. *See* Order and Attachment (Docs. 6, 6-1).

On June 10, 2022, the Court received a document titled "Memorandum of Law Amendment the Court Requested My Signature Be Notarized." That document is notarized. *See* Mem. (Doc. 7) at 1. But Collins did not resubmit his

petition or supplement signed and notarized as required. Collins also failed to pay the \$5.00 filing fee.

Reasonable jurists would not find that Collins' pleadings are fairly before the Court. A certificate of appealability, *see* 28 U.S.C. § 2253(c)(2), is denied, *see Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Accordingly, IT IS ORDERED:

1. This action is DISMISSED without prejudice for failure to pay the \$5.00 filing fee.

2. The clerk shall enter, by separate document, a judgment of dismissal without prejudice.

3. A certificate of appealability is DENIED. The clerk shall immediately process the appeal if Collins files a notice of appeal.

DATED this 28th day of September, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court